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LETTER DATED 18 MAY 1995 FROM THE SECRETARY-GENERAL ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with the commitment made on 6 February 1995 (S/1995/143) to keep the Security Council informed of developments in the situation in El Salvador, I have the honour to report that on 27 April 1995 the representatives of the Salvadorian Government and the other signatories to the Chapultepec peace agreements agreed on a programme of work to complete the implementation of the agreements. This programme was drawn up after the parties had reached agreement, on 4 October 1994, to cooperate closely and actively to ensure full compliance with all the peace agreements currently in the process of implementation or still pending. The programme will be verified by a small team set up pursuant to my recommendation of 6 February 1995 and henceforth known as the United Nations Mission in El Salvador (MINUSAL).

The text of the programme of work to complete the implementation of the peace agreements is contained in the annex. I should be grateful if you would bring it to the attention of members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

[Original: Spanish]

PROGRAMME OF WORK TO COMPLETE THE IMPLEMENTATION OF
THE PEACE AGREEMENTS

The present programme of work has been designed in view of the winding up of the United Nations Observer Mission in El Salvador (ONUSAL) and the establishment of the United Nations office that is to oversee the final phase of the implementation of the peace agreements, performing the verification and good offices functions entrusted to the United Nations by the El Salvador Peace Agreement and strengthening the efforts that the competent national institutions must make to consolidate peace.

To put the programme into operation and ensure its monitoring and follow-up, the trilateral sectoral groups for each programme area will meet once a week, as will the implementing groups with the Unit for the Application of the Peace Agreements (UDAPAZ), to streamline verification requirements. High-level trilateral meetings will be convened by the United Nations on an exceptional basis to overcome difficulties that the sectoral groups have been unable to resolve or to deal with such other issues as the United Nations deems necessary. Bilateral meetings will continue to be held, as necessary, with the other signatories to the peace agreements, at the initiative of the signatories or the United Nations.

The programme of work has been drawn up in application of the agreement reached by the parties on 4 October 1994 to cooperate closely and actively to ensure the full compliance with all the peace agreements currently in the process of implementation or still pending. The mechanisms mentioned will determine precisely what measures are needed, on the understanding that the purpose of the entire process will be to ensure the full implementation of this programme of work.

The implementation of the entire programme will be evaluated periodically by the United Nations, which will attempt to differentiate between obstacles beyond the parties' control and negligence, distortions and omissions in fulfilling their commitments. In any event, the parties will have to make the necessary adjustments in order to fulfil their commitment to complete implementation of all the peace agreements by 31 October 1995 at the latest, with the exception of those for which this programme sets a later date, in which case the commitment is to complete their implementation within the established deadline.

I. PUBLIC SECURITY

1. Update the monitoring, by the Division for the Protection of Eminent Persons of the National Civil Police (PNC), of weapons authorized solely for the armed forces of El Salvador (FAES) which are being used to protect prominent members of the Government and the Frente Farabundo Martí para la Liberación Nacional (FMLN).

Deadline: 30 April

Responsibility of: Government of El Salvador
(Vice-Minister for Public Security,
PNC Director)

2. Admit officers from the former Executive Anti-Drug Trafficking Unit (UEA) and the former Commission for the Investigation of Criminal Acts (CIHD) to executive and senior-level courses at the National Public Security Academy (ANSP), in accordance with the 3 November 1994 resolution of the Ad Hoc Evaluation Commission, as well as civilians who have passed the ANSP entrance examinations.

Deadline: 15 May

Responsibility of: Government of El Salvador (PNC-ANSP)

3. Suspend the third round of applications for courses at the senior level until the Legislative Assembly has adopted the Police Career Act.

Deadline: 30 April

Responsibility of: Government of El Salvador (ANSP
Director)

4. Revise the ANSP admission system and include a mechanism for checking on the background of new entrants, based on the evaluation made by ONUSAL.

Deadline: 30 April

Responsibility of: Government of El Salvador (ANSP
Director)

5. Adjust the methodology for the third round of applications and selections for executive and senior-level courses at ANSP to the requirements of the Act organizing the National Civil Police, the agreement of 19 May 1994 and the Police Career Act.

Deadline: One month after publication of the
Police Career Act in the Official
Gazette

Responsibility of: Government of El Salvador (ANSP and
PNC Directors)

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6. Resolve, on the agreed terms, the situation of members of the Crime Squad.

Deadline: 30 April

Responsibility of: Government of El Salvador
(Vice-Minister for Public Security)

7. Resolve serious and very serious disciplinary cases pending as of 31 March.

Deadline: 6 May 1995

Responsibility of: Government of El Salvador (PNC
Director)

8. Review the details of the transitional syllabus and the eight-month syllabus which is to go into effect at ANSP in September, based on the results of the academic assessment made by ANSP.

Deadline: 15 May 1995

Responsibility of: Government of El Salvador (ANSP
Director)
Presentation to sectoral group on
public security

9. Admit to regular, basic-level courses at ANSP the remaining staff transferred from the former UEA and CIHD who are to be assigned to the Criminal Investigation Division (DIC) and the Anti-Narcotics Division (DAN), in accordance with the timetable provided to ONUSAL by the Government.

Deadline: 31 December

Responsibility of: Government of El Salvador (PNC
Director)

II. LAND TRANSFER

Representatives of the Joint Group on Land will take part in weekly regional meetings, with emphasis on the San Miguel and Chalatenango regions. Managers of the Coordinating Office for Agricultural Issues (OCTA) will participate in these weekly meetings as follows: two regions the first and third weeks of the month and the three remaining regions the second and fourth weeks of the month.

Land Transfer Programme

10. Expedite appraisals, measurements, negotiations and, above all, the issue of title deeds so that an implementation rate of at least 60 per cent is achieved by 30 April.

Responsibility of: Government of El Salvador (President of Land Bank)

11. Starting on 30 May 1995 at the latest, payments will be made to landowners at the time of the issue of title deeds and payments outstanding as of that date will be settled.

Responsibility of: Government of El Salvador (President of Land Bank)

12. Draw up the sales offer and restricted bill of sale for all properties with legal problems to which the Joint Group considers Decree 290 to be applicable.

Responsibility of: Government of El Salvador (President of Land Bank)

13. Complete appraisals, measurements and negotiations, by region, by 30 May 1995 at the latest.

Responsibility of: Government of El Salvador (President of Land Bank)

14. Expedite the issue of title deeds with a view to completing the process in August 1995.

Responsibility of: President, Institute for Liberty and Progress

15. Extend Decree 306 until the closing date for the last regional programme of the Land Transfer Programme.

Deadline: 15 July

Responsibility of: Government of El Salvador, Legislative Assembly

16. Identify properties for the implementation of the 3 July 1991 agreement.

Deadline: 15 May

Responsibility of: Government of El Salvador (President of the Salvadorian Institute for Agrarian Reform (ISTA) and the Alianza Democrática Campesina (ADC))

17. Complete the implementation of the 3 July 1991 agreement.

Deadline: 3 July

Responsibility of: Government of El Salvador (President
of ISTA and ADC)

III. HUMAN SETTLEMENTS

18. Design the special regime for the transfer of rural human settlements.

Deadline: 30 April

Responsibility of: Government of El Salvador (Unit for
the Application of the Peace
Agreements (UDAPAZ)), FMLN, Expresión
Renovadora del Pueblo/Resistencia
Nacional (ERP/RN))

19. Complete distribution of the 12,000 allocated to the 621 beneficiaries registered by the National Commission for the Consolidation of Peace (COPAZ) for the urban human settlements programme.

Deadline: 31 July

Responsibility of: Government of El Salvador
(Vice-Minister for Housing)
National Fund for Low-Income Housing
(FONAVIPO) and Fundación 16 de enero
(F16)

20. Transfer all land and buildings included in the rural human settlements covered by the special regime.

Deadline: 30 April 1996

Responsibility of: Government of El Salvador (Secretariat
for National Reconstruction (SRN))

IV. REINTEGRATION

21. Distribute the agricultural credit approved for former combatants and landholders before 30 April.

22. Distribute the first instalment of agricultural credit to the remaining former combatants and landholders that request it.

23. Complete distribution of the Plan 600 micro-enterprise credit to persons who request it.

Deadline: 30 May

Responsibility of: Government of El Salvador (SRN)

24. Distribute the second instalment of agricultural credit to former combatants who have paid their share.
25. Complete the programme of agricultural technical assistance (closing date: 15 August 1995).
26. Complete the programme of technical assistance for micro-enterprise (closing date: 15 December 1995).
27. Complete the scholarship programme (closing date: 31 August 1998).
28. Complete the Plan 600 programme of technical assistance for micro-enterprise (closing date: 31 July 1995).
29. Complete the Plan 600 housing programme Social Fund for Housing (FSV) (closing date: 31 August 1995, following its evaluation).
30. Begin the permanent housing programme (HABITAT) by 31 May at the latest.
31. Complete the construction of housing units under the permanent housing programme (Salvadorian Foundation for Development and Minimum Housing (FUNDASAL)), according to the established quotas.
32. Complete the progressive housing programme United Nations Development Programme (UNDP) (closing date: 31 August 1995).

V. FUND FOR THE PROTECTION OF THE WAR-WOUNDED AND WAR-DISABLED

33. Conclusion of rulings on war-disabled persons by the Technical Evaluation Commission.

Deadline: 31 October

Responsibility of: Government of El Salvador (Technical Evaluation Commission)

34. Determine the amount of the pensions to be received by the Fund's remaining beneficiaries once potential beneficiaries have been screened.

Deadline: 30 August

Responsibility of: Fund for the Protection of the War-Wounded and War-Disabled

VI. LEGISLATIVE REFORMS

The United Nations will establish a follow-up mechanism with the Legislative Assembly, the Supreme Court of Justice and the executive branch to push for the introduction and adoption of legislative reforms by 31 October 1995. The signatories to the peace agreements renew their commitment to cooperate in this action.

The Government will draft and submit the following preliminary bills to the Legislative Assembly and will use its good offices to ensure their early adoption:

- Amendments to the Code of Military Justice and the army rules and regulations
- Repeal of the 1886 Police Act
- Habeas Corpus Act.

The Government will use its good offices with the Legislative Assembly to ensure that it ratifies the constitutional amendments adopted in first session in April 1994 and considers and approves the following bills:

- Criminal Code
- Code of Criminal Procedure
- Prison Act.

The Government will use its good offices with the Supreme Court of Justice and the Legislative Assembly to ensure that the Court prepares and submits the following preliminary bills to the Legislative Assembly and that the Assembly considers and adopts them:

- Amendments to the Constitutional Procedures Act (amparo)
- Amendments to the Judicial Career Act
- Amendments to the National Council of the Judiciary Act
- Amendments to the Act organizing the judiciary
- Preliminary draft legislation on reduction of penalties in exchange for information on the activities of illegal armed groups, as recommended by the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups
- Special jurisdiction for cases of organized or politically motivated crime, as recommended by the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups.

The Government will deposit by 30 June 1995, with the Secretary-General of the United Nations or the Secretary-General of the Organization of American States (OAS), as the case may be, the instruments of ratification of:

- the Optional Protocol to the International Covenant on Civil and Political Rights
- the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (San Salvador Protocol)
- Recognition of the jurisdiction of the Inter-American Court of Human Rights.

The Government will include in the criminal legislation presented to the Legislative Assembly the provisions of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity which define such crimes and which establish that no statutory limitation shall apply to the corresponding criminal proceedings and penalties.

RECOMMENDATIONS

Since there are actions which form part of processes aimed at consolidation, institution-building and the completion of ongoing or imminent programmes and which are not subject to a timetable but will proceed at their own rate, this section lists the actions that the various bodies should undertake:

1. Introduce and adopt the Police Career Act by 30 October at the latest.
2. Strengthen PNC oversight mechanisms.
3. Continue to incorporate into DAN and DIC staff who have graduated from ANSP.
4. By 30 October at the latest, define mechanisms for applying the rule that PNC members shall not live in barracks.
5. Evaluate the regionalization of the Land Transfer Programme process periodically in the Joint Group on Land, in order to take the necessary corrective action.
6. By 30 April, OCTA will transfer its database to the Agricultural Development Bank (BFA) so that the Bank can provide credit to persons who wish to plant during the agricultural year beginning in May.
7. Ensure that former combatants and landholders who have met their credit commitments are qualified to receive credit from the financial system, so that they have access to the second credit instalment.
8. Make payments to recipients of pensions or other compensation no later than one month after a final ruling has been given.
9. Amend the Electoral Code so as to enhance the credibility of the Supreme Electoral Tribunal.

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Concerning the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Government adopted the Convention with reservations. FMLN believes that in order to comply with the relevant instructions of the Commission on the Truth, the reservation concerning the competence of the Committee against Torture should be withdrawn.

Concerning Conventions Nos. 87 and 98 of the International Labour Organization (ILO), the Government did not submit them to the Legislative Assembly for ratification because the Forum for Economic and Social Consultation considered them contrary to the Constitution. FMLN believes that these instruments, which were included in the recommendations of the Commission on the Truth, should be ratified.

FMLN believes that the victims of human rights violations should receive compensation, as recommended by the Commission on the Truth, and that a reasonable formula should be found for this purpose. FMLN also states for the record that it considers it increasingly urgent and necessary that the Forum for Economic and Social Consultation be reinstated so that it can complete the tasks which it assumed pursuant to the Peace Agreement.

For the Government of the Republic of El Salvador:

(Signed)

Gen. Mauricio E. Vargas

For the Frente Farabundo Martí para la Liberación
Nacional (FMLN):

(Signed)

(Signed)

(Signed)

Salvador Sánchez Cerén

Schafik Handal

Francisco Jovel

For Expresión Renovadora del Pueblo (ERP):

For Resistencia Nacional (RN):

(Signed)

(Signed)

Joaquín Villalobos

Eduardo Sancho

For the United Nations:

(Signed)

Enrique ter Horst
